S.B. Civil Misc. Appeal No.3019/05
Om Prakash Vs. Smt. Bhagvati & Ors.

Date of Judgment : 05/09/2006

Hon'ble Mr. Justice Ajay Rastogi

Mr. Vijay Dutt Sharma, for appellant

Instant appeal has been filed with the delay of 31 days for seeking enhancement of compensation awarded under the impugned award. While examining the application, I have also considered to examine the case on merits as well.

The claimant was 28 yrs. of age. While he was moving on his bye-cycle on 4th February, 1994, met with an accident due to which he sustained two injuries, out of which, one was a minor one. As alleged in the claim petition, he was selling edible items by moving on his bye-cycle and claimed his income of Rs.3000/- per month. Learned Tribunal proceeded on the basis of his income and awarded total compensation of Rs.25,000/- with 9% interest. No disability certificate was furnished before the Tribunal.

Counsel submits that looking to the the nature of injury sustained has certainly created hindrance/impediment in discharge of regular duties and has suffered financial loss for all times to come which the learned Tribunal has completely over looked while awarding compensation under the impugned award requires enhancement.

I have considered the submission of the counsel and perused the material on record.

The present incident is of 4th February, 1994 and looking to the nature of injury which the claimant sustained and taking note of the income as alleged by him, in my opinion, what has been finally awarded by the Tribunal to the claimant is just and does not require interference by this court.

Consequently, the application filed u/s.5 of Limitation Act seeking condonation of delay and so also appeal stands dismissed.

[Ajay Rastogi],J.

FRB